

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

**FILED**  
ASHEVILLE, N. C.  
AUG 12 2005

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 2:05CV206

AN EASEMENT AND RIGHT-  
OF-WAY OVER 0.43 ACRE OF  
LAND, MORE OR LESS, IN  
CHEROKEE COUNTY,  
NORTH CAROLINA

SILVIO C. RUSSO  
DIANE L. RUSSO, his wife  
Defendants

**JUDGMENT AND ORDER DISBURSING FUNDS**

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to settle this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

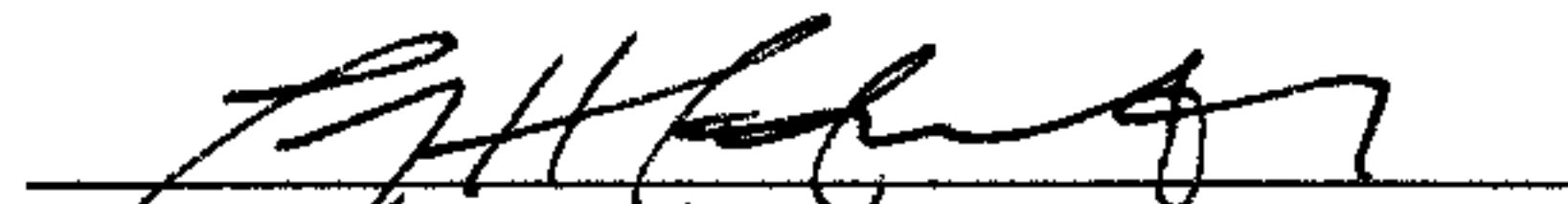
1. The Defendants shall recover of the Plaintiff \$8,600 as full compensation for the taking of the easement and right-of-way herein condemned.
2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein

on June 23, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (it being the same as Exhibit A to the Declaration of Taking herein).

3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$8,600 payable to Silvio C. Russo and Diane L. Russo, and to mail the check to Mr. and Mrs. Silvio C. Russo, 3529 SW 12th Court, Ft. Lauderdale, Florida 33312.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

This 12<sup>th</sup> day of August, 2005.

  
Lacy H. Thornburg  
United States District Court Judge

We hereby approve and consent to the entry of this Judgment:

Edwin W. Small  
Edwin W. Small  
Assistant General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Telephone 865-632-3021  
Facsimile 865-632-6718

Attorney for Plaintiff

Silvio Russo  
Silvio C. Russo  
  
Diane L. Russo  
Diane L. Russo  
  
Defendants

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MURBTR-24A

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, as shown on a map entitled "Murphy-Blairsville Transmission Line Tap to Ranger Transmission Line," drawing LW-7869, sheet P3B, R.0, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being an iron pin which is a common corner in the lands of Silvio C. Russo, et ux., Deborah L. Willette, and Linda Dale McCormick, et vir, the said point being 4.25 feet right of the centerline of the transmission line location at survey station 88+43.11; thence leaving the said common corner and with the property line between Silvio C. Russo, et ux., and Linda Dale McCormick, et vir, S. 57° 52' 50" W., 32.33 feet, crossing the centerline of the location at survey station 88+47.8 (6.37 feet), to a point which is a common corner in the lands of Silvio C. Russo, et ux., Linda Dale McCormick, et vir, and Andrew J. Kleimola, et ux., the said point being 17.34 feet left of the centerline of the location at survey station 88+67.17; thence leaving the said common corner and the said property line and with the property line between Silvio C. Russo, et ux., and Andrew J. Kleimola, et ux., S. 57° 52' 50" W.,



48.91 feet to a point on the south right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 89+03.57; thence leaving the said property line and with the said south right-of-way line of the location N. 80° 13' 10" W., 435.34 feet to a point on the property line between Silvio C. Russo, et ux., and Joe Frank Poteat, et ux., the said point being 50 feet left of the centerline of the location at survey station 93+38.91; thence leaving the said south right-of-way line of the location and with the said property line N. 06° 24' 28" E., 23.56 feet to a point which is a common corner in the lands of Silvio C. Russo, et ux., Joe Frank Poteat, et ux., and Terelle P. Beaver, the said point being 26.48 feet left of the centerline of the location at survey station 93+40.30; thence leaving the said common corner and the said property line and with the property line between Silvio C. Russo, et ux., and Terelle P. Beaver, S. 85° 13' 38" E., 169.60 feet to a point, the said point being an iron pin which is a common corner in the lands of Silvio C. Russo, et ux., Terelle P. Beaver, and Ben Money, et ux., the said point being 11.67 feet left of the centerline of the location at survey station 91+71.35; thence leaving the said common corner and the said property line and with the property line between Silvio C. Russo, et ux., and Ben Money, et ux., S. 82° 52' 19" E., 271.59 feet, crossing the centerline of the location at survey station 89+19.4 (252.26 feet), to a point, the said point being an iron pin which is a common corner in the lands of Silvio C. Russo, et ux., Ben Money, et ux., and Deborah L. Willette, the said point being 0.89 feet right of the centerline of the location at survey station 89+00.05; thence leaving the said common corner and the said property line and with the property line between Silvio C. Russo, et ux., and Deborah L. Willette, S. 83° 35' 37" E., 57.04 feet to the point of beginning and containing 0.43 acre, more or less.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — Silvio C. Russo and Diane L. Russo, his wife (Deed Book 574, page 12).

Parcel identification number: 4570 00 93 4086 000